

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

KENNETH CHAPMAN et. al.,

Plaintiffs,

v.

TRISTAR PRODUCTS, INC.,

Defendant.

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CASE NO. 16-cv-1114

OPINION & ORDER
[Resolving Doc. [25](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

The parties in this products liability litigation jointly propose a protective order to limit public disclosure of information they designate as confidential.¹

Granting a protective order motion is within the trial court's discretion, but that discretion "'is circumscribed by a long-established legal tradition' which values public access to court proceedings."² Unwarranted restriction of court documents hampers the public's ability to act as an important check on judicial integrity.³ Thus, courts in the Sixth Circuit approach protective order motions with a presumption in favor of public access to judicial records.⁴

Moreover, the fact that all parties jointly seek a protective order does not overcome this presumption.⁵

¹ [Doc. 25](#).

² *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219, 227 (6th Cir. 1996) (citation omitted).

³ See *Brown & Williamson Tobacco Corp. v. Fed. Trade Comm'n*, 710 F.2d 1165, 1179 (6th Cir. 1983); see also *Wilson v. Am. Motors Corp.*, 759 F.2d 1568, 1570 (11th Cir. 1985) (observing that "trials are public proceedings" and that access to court records preserves "the rights of the public, an absent third party").

⁴ See, e.g., *In re Perrigo Co.*, 128 F.3d 430, 447 (6th Cir. 1997).

⁵ See *Procter & Gamble Co.*, 78 F.3d at 227 (warning district courts against "abdicat[ing] their] responsibility to oversee the discovery process and to determine whether filings should be made available to the public" and against "turn[ing] this function over to the parties," which would be "a violation not only of Rule 26(c) but of the principles so painstakingly discussed in *Brown & Williamson*").

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Movants for a protective order must show substantial personal or financial harm before the Court will seal any documents.⁶ Here, the parties fail to meet that standard. The proposed protective order is overbroad and unspecific. The parties have asked the Court for blanket authority to designate documents as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER”⁷ and to file such documents under seal.⁸ The proposed order would allow overbroad discretion, limited only by a promise to “mak[e] a good faith determination that the documents contain certain information protected from disclosure.”⁹

The parties are, of course, free to privately contract to limit disclosure of documents and information. Additionally, any party or non-party may move to seal individual documents—provided that they make the requisite particularized showing.

The Court thus **DENIES** the parties’ proposed protective order.

IT IS SO ORDERED.

Dated: October 26, 2016.

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶See, e.g., *Brown & Williamson*, 710 F.2d at 1179–80; *Sollitt v. KeyCorp*, 2009 WL 485031, at *2 (N.D. Ohio Feb. 26, 2009).

⁷ [Doc. 25-1](#) ¶ 2.

⁸ *Id.* at 6.

⁹ *Id.* at 3.